



2001-014-396

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June 20, 2001  
A000-CY01-L39

General Services Administration  
FAR Secretariat (MVP)  
1800 F Street, NW  
Room 4035  
Washington, D.C. 20405

Attention: Laurie Duarte

Subject: FAR Case 2001-014 Proposed Revocation

We are writing to comment on Federal Acquisition Regulation (FAR) case 2001-014 (Proposed Revocation) regarding contractor responsibility, labor relations costs and costs relating to legal and other proceedings.

We strongly endorse the proposed rule to revoke the rules that initially were issued on December 20, 2000, put into effect on January 19, 2001 and subsequently suspended. It is our position that the rule cannot be implemented effectively. Its standards are too vague, the issues are too complex and the rule ignores the fact that the government workforce is not properly trained to effectively implement such a rule.

We also believe the rule would:

- Require contractor certifications that could give rise to potential false claims suits;
- Usurp legislative authority through administrative rule making, effectively amending public law;
- Destroy the link between a violation and the properly prescribed remedy; and
- Raise serious questions of due process

We believe the most prudent course of action is to revoke the December 20, 2000 rule. There are sufficient, effective and proven tools covering contractor responsibility and allowable cost issues. The December 20, 2000 rule represents the wrong approach, at the wrong time and provides the wrong remedies for the wrong reasons.

Sincerely,

Gerald W. Smith